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PART IV.

Legislative measures and Rules thereunder.

NOTIFICATIONS.

No. R. 2791—L. S. 34-36-3, dated Bangalore, the 13th January 1937.

Under Section 17 of the Mysore Land Record of Rights Regulation X of 1927, the Government of His Highness the Maharaja of Mysore are pleased to direct that the following 'Note' be added to item No. 6 of Rule 42 of the Rules issued under the said Regulation :—

NOTE.—The fee deposited by a party affected will be refunded to him in cases where the original measurement of the Surveyor is found on check to be substantially incorrect, the amount of the fee being recovere l from the Surveyor who was responsible for the mistake at the time of original measurement.

B. T. KESAVIENGAR,
Offg. *Chief Secretary to Government.*

No. Rl. 668—L. C. 9-36-1, Bangalore, dated 18th January 1937.

In exercise of the powers vested in them under Section 6(2) (a) and (d) of the Mysore Legislative Council Regulation, XIX of 1923, the Government of His Highness the Maharaja are pleased to direct that the distribution of seats between official and non-official, elected and nominated members as detailed in the schedule to Notification No. P. 2401—Legis. 13-23-1, dated the 7th November 1923, be revised as shown below :—

Nominated Members.—	
(i) Officials	20
(ii) Non-officials	8
Total ...	28
Elected Members.—	
(i) Elected by urban areas, *viz.*, the City Municipal areas of Bangalore and Mysore—*one each* ...	2
(ii) Elected by rural areas, *viz.*, the eight district constituencies as now existing except that the cities of Bangalore and Mysore will not form part of the respective district constituencies—*two each*	16
(iii) Elected representatives of the following special interests :—	
1. Mysore University	1
2. Commerce and Trade ...	1
3. Planting	1
4. Labour	1
Total ...	22
Grand Total ...	50

No. Rl. 669—L. C. 9-36-2, Bangalore, dated 18th January 1937.

In exercise of the powers vested in them under section 6 (2) (e) of the Mysore Legislative Council Regulation, XIX of 1923, the Government of His Highness the Maharaja are pleased to direct that the following new clause be inserted as clause X under Rule 1 of the Rules issued with Notification No. P. 2405—Legis. 13-23-5, dated the 7th November 1923 relating to the disqualifica-

tions of candidates for election as members of the Legislative Council :—

X. Who is a member of the Mysore Representative Assembly and has made the oath or affirmation as such member.

(*N. B.*—This clause does not apply to candidates standing for general elections).

No. Rl. 670—L. C. 9-36-3, Bangalore, dated 18th January 1937.

In exercise of the powers vested in them under Section 6 of the Mysore Legislative Council Regulation, XIX of 1923, the Government of His Highness the Maharaja are pleased to amend Rule No. 21 of the Rules issued with Notification No. Rel. 529—L. C. 12-29-1, dated the 7th January 1930, as regards the conduct of elections to the Legislative Council, as follows :—

21. If any person is elected either by more than one constituency of the Legislative Council or is elected by a constituency of the Legislative Council as a member thereof and a constituency of the Representative Assembly as a member thereof, he shall, by notice in writing signed by him and delivered to the Secretary to Government, Law Department, within seven days from the date of publication of the results of such elections in the *Gazette* choose for which one of these constituencies he shall serve and the choice shall be final.

No. Rl. 671—L. C. 9-36-4, Bangalore, dated 18th January 1937.

In exercise of the powers vested in them under Section 6 (2) (b) of the Mysore Legislative Council Regulation, XIX of 1923, the Government of His Highness the Maharaja are pleased to amend Rule No. 3 of the Rules issued with Notification No. P. 3868—Legis. 13-23-15, dated the 11th January 1924, with regard to the

manner of filling casual vacancies occurring in the Legislative Council, as follows:—

In the first sentence of Rule 3, the words "his leaving the State with the intention of being absent for more than six months at a time" shall be substituted for the words "absence from the State" occurring therein.

The rule as revised will read thus:—

3. If any vacancy occurs in the case of an elected member by reason of his election being declared void or by reason of his leaving the State with the intention of being absent for more than six months at a time, death, acceptance of office or resignation duly accepted by Government or by reason of his ceasing to be a member of the original body which elected him, the Government shall, by notification in the official Gazette, call upon the constituency concerned to elect a person to fill up such vacancy within such time as may be prescribed by the Government for the purpose. If a vacancy occurs in the case of a nominated member, the Government shall nominate to the vacancy a person having the necessary qualifications.

No. Rl. 672—*L. C.* 9-36-5, *dated Bangalore,*
18*th January* 1937.

In exercise of the general powers vested in them under Section 6 (1) of the Mysore Legislative Council Regulation, XIX of 1923, the Government of His Highness the Maharaja are pleased to direct that, for Rules 6 and 6-A of the rules laid down in Notification No. P. 4347 —Legis. 13-23-22, dated the 5th February 1924, as amended by Notification No. Rel. 516—L. C. 9-29-2, dated the 18th—23rd December 1929, regarding the conduct of business and procedure to be followed in the Council, the following revised rules be substituted:—

"6. When Government propose to introduce a measure of legislation in the Legislative Council, the general principles underlying it may be placed by the Government before the Representative Assembly as provided for in Section 9 of the Representative Assembly Regulation and after its opinion is ascertained the Government may decide either to introduce a Bill embodying

the proposed measure of legislation or to introduce a modified Bill in view of the discussions in the Assembly or to drop the measure altogether. Where the opinion of the Assembly has not been so ascertained before the introduction of a Bill in the Legislative Council, the general principles underlying it shall be placed by the Government before the Assembly and its opinion ascertained at the earliest opportunity after its introduction in the Legislative Council and before its passing. In either case, the official member in charge of the measure shall obtain the permission of the Dewan, in writing, for leave to introduce the Bill in the Legislative Council, and if such permission is granted, he may move for the leave of the Council to introduce the Bill after giving 15 days' previous notice of the title and subject of the Bill to the Secretary.

6 A. If a non-official member wishes to introduce a Bill in the Legislative Council, he shall submit to the Secretary a draft of the Bill, a statement of the general principles underlying it, and a statement of the objects and reasons thereof and other connected papers, if any, and ask for the permission of the Dewan to its introduction. If the Dewan agrees to the introduction of the Bill, the principles underlying it and the Bill with the statement of objects and reasons as submitted by the member shall be placed by Government before the Representative Assembly at a meeting of that House. The views of the Assembly on the measure shall be communicated by the Secretary to the member concerned. The member may then either ask the leave of the Council to introduce the Bill after giving 15 days' previous notice or may abandon it, or request again the leave of the Dewan for introducing it in a modified form in view of the opinion of the Assembly. It will be open to the Government to present the modified Bill again to the Representative Assembly, if Government consider it necessary, and in that case the opinion of the Assembly shall again be communicated to the member. If the member desires to move for the leave of the Council to introduce the Bill, he may do so after giving 15 days' previous notice of the title and subject of the Bill to the Secretary. He shall also send to the Secretary, along with the notice, a copy of the Bill, who shall circulate copies thereof to the members of the Council along with the agenda. Leave of the Council for

introducing a Bill shall be asked for within a year from date of communication to him of the views of the Representative Assembly in regard to the measure.

Rl. 673—*L. C.* 9-36-6, *dated Bangalore,*
18*th January* 1937.

In exercise of the powers vested in them under Section 14 of the Mysore Legislative Council Regulation, XIX of 1923, the Government of His Highness the Maharaja are pleased to direct that the following amendments be made in the rules issued with Notification No. P. 4348—Legis. 13-23-23, dated the 5th February 1924, as amended by No. Rel. 406—L. C. 4-25-1, dated the 3rd April 1926, No. Rel. 525—L. C. 11-29-1, dated the 2nd January 1930, and No. Rel. 232—L. C. 8-30-1, dated the 7th January 1931, respectively, as regards the asking of questions and moving of resolutions in the Legislative Council :—

1. Insert the following as Rule No. 2 :—

No member shall be allowed to send up more than five questions for any session of the Council and not more than two of them may be starred for purposes of putting supplementary questions.

NOTE.—Supplementary questions may be put in the Council only in respect of answers to starred questions. Questions not starred will not be called in Council, but they will be printed with answers and placed on the table of the House along with the list of starred questions. Oral supplementary questions will not be allowed in regard to unstarred questions.

2. Insert the following as sub-rules (f), (g) and (h) under Rule 4 :—

(*f*) It shall relate to a single matter,

(*g*) It shall not bring in any matter not strictly necessary to make the question intelligible; and

(*h*) It shall not relate to matters which are entirely within the competence of a local authority or a private company.

3. Insert the following as Rule No. 9 :—

No member shall be allowed to send up more than two resolutions for any session of the Council.

4. Insert the following as sub-rule (2) of Rule 18 and re-number the remaining three sub-rules as (3), (4) and (5) :—

The President may direct any member whose conduct is, in his opinion, grossly disorderly, to withdraw immediately from the Council and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the days' sittings.

Rl. 674—*L. C.* 9-36-7, *dated Bangalore, 18th January* 1937.

In exercise of the powers vested in them under Section 6 of the Mysore Legislative Council Regulation, XIX of 1923, the Government of His Highness the Maharaja are pleased to direct that the Rule No. 5 issued with Notification No. P. 2404—Legis. 13-23-4, dated the 7th November 1923 as subsequently amended regarding the qualifications and disqualifications of voters to the Legislative Council and Rule No. 36 issued with Notification No. Rel. 529—L. C. 12-29-1, dated the 7th January 1930 as subsequently amended regulating the conduct of elections to the Legislative Council, be both deleted.

No. Rl. 675—L. C. 9-36-8, Bangalore, dated 18th January 1937.

In exercise of the powers vested in them under Section 6 (2) (c) of the Mysore Legislative Council Regulation, XIX of 1923, the Government of His Highness the Maharaja are pleased to amend the rules regarding the nomination of members to the Legislative Council issued with Notification No. P. 2402—Legis. 13-23-2, dated the 7th November 1923, as follows :—

The eight seats reserved for non-officials under Notification No. P. 2401—Legis. 13-23-1, dated the 7th November 1923, and as subsequently amended, will as

required in Section 4 (3) of the Regulation be for the representation of special interests and minorities or for any other cause :

Provided that Government will guarantee to the interests specified below representation in the Legislative Council as noted against each—

Mahomedans	....	2 seats
Indian Christians	....	1 seat
Depressed Classes	....	1 seat

If they fail to secure this number through the electorates for the return of the non-official members specified in Schedule II of the Legislative Council Regulation, Government will make good the difference by nomination through associations to be recognised for the purpose according to the procedure prescribed in para 38 of the Government Order No. 1367-1420—C. B. 100-23-1, dated the 27th October 1923.

No. Rl. 676—R. A. 27-36-1, Bangalore, dated 18th January 1937.

In exercise of the powers vested in them under Section 6 (2) (e) of the Mysore Representative Assembly Regulation, XVIII of 1923, the Government of His Highness the Maharaja are pleased to direct that in lieu of the rules issued with Notification No. P. 2398—Legis. 12-23-5, dated the 7th November 1923, as amended by Notification No. Rel. 1180—R. A. 56-26-1, dated the 25th April 1927, as regards the qualifications and disqualifications of elected members of the Representative Assembly, the following shall be substituted :—

Every person who is a non-official and is qualified as an elector in any constituency under the rules published with Notification No. P. 2397 -Legis. 12-23-4, dated the 7th November 1923, and further amended by subsequent notifications, shall be eligible to stand for election provided that—

(i) the person standing for election to represent the special interest of Mysore University shall be a member of the Senate ;

(ii) such person is not a member of the Mysore Legislative Council and has not made the oath or affirmation as such member.

N. B.—The second proviso does not apply to candidates standing for general elections.

No. Rl. 677—R. A. 27-36-2, Bangalore, dated 18th January 1937.

In exercise of the powers vested in them under Sections 6 and 12 of the Mysore Representative Assembly Regulation, XVIII of 1923, respectively, the Government of His Highness the Maharaja are pleased to direct that the following two sub-rules be inserted under Rule 25 (iv) as sub-rules (7-a) and (7-b) of the Rules of Business (Part VII, Interpellations) issued with Notification No. P. 3039—Legis. 12-23-9, dated the 8th December 1923 :—

7-A. It shall not bring in any matter not strictly necessary to make the question intelligible.

7-B. It shall not relate to subjects relating to or within the competence of a local authority or a private company.

No. Rl. 678—R. A. 27-36-3, dated Bangalore, 18th January 1937.

In exercise of the powers vested in them under Section 6 of the Mysore Representative Assembly Regulation, XVIII of 1923, the Government of His Highness the Maharaja are pleased to amend Rule No. 21 issued with Notification No. 527—R. A. 38-29-1, dated the 6th January 1930, as regards the conduct of elections to the Representative Assembly, as follows :—

"21. If any person is elected either by more than one constituency of the Representative Assembly or is elected by a constituency of the Representative Assembly as a member thereof, and a constituency of the Legislative Council, as a member thereof, he shall, by notice in writing signed by him and delivered to the Secretary to Government, Law Department, within seven days from

the date of publication of the results of such elections in the Gazette, choose for which one of those constituencies or bodies he shall serve and the choice shall be final."

———

No. Rl. 679—R. A. 27-36-4, Bangalore, dated 18th January 1937.

In exercise of the powers vested in them under Section 6 (2) (a) of the Mysore Representative Assembly Regulation, XVIII of 1923, the Government of His Highness the Maharaja are pleased to amend Rule 3 of the rules issued with Notification No. P. 3867—Legis. 12-23-15, dated the 11th January 1924, as regards the filling up of casual vacancies as follows:—

In the first sentence of Rule 3, the words "his leaving the State with the intention of being absent for more than six months at a time" shall be substituted for the words "absence from the State" occurring therein.

The rule as revised will read thus:—

"3. If any vacancy occurs in the case of an elected member by reason of his election being declared void or by reason of his leaving the State with the intention of being absent for more than six months at a time, death, acceptance of office or resignation duly accepted by Government or by reason of his ceasing to be a member of the original body which elected him, the Government shall, by notification in the Official Gazette, call upon the constituency concerned to elect a person to fill up such vacancy within such time as may be prescribed by the Government for the purpose. If a vacancy occurs in the case of a nominated member, the Government shall nominate to the vacancy a person having the necessary qualifications.

———

No. Rl. 680—R. A. 27-36-5, dated Bangalore, 18th January 1937.

In exercise of the powers vested in them under Section 12 of the Mysore Representative Assembly Regulation, XVIII of 1923, the Government of His

Highness the Maharaja are pleased to insert the following new rule as Rule 44-A. under Rule 44 in Part IX (Representations) of the rules, issued with Notification No. P. 3039—Legis. 12-23-9, dated the 8th December 1923, as regards the admission of Representations :—

"44-A. *Disallowance.*—When a representation has been disallowed or withdrawn with the leave of the Assembly or has been discussed in the Assembly and the opinion of the Government has been given thereon, no representation raising substantially the same question shall be moved within one year."

No. R. 2969—L. R. 209-36-3, dated Bangalore, the 19th January 1937.

In exercise of the powers conferred by Section 10 of the Land Improvement Loan Regulation No. IV of 1890, the Government of His Highness the Maharaja are pleased to issue the following amendments to Rule XIII of the Rules under the said Regulation and to para 2 (c) (iii) of Form No. VIII annexed to the Rules.

In Rule XIII between the words "conditions on which it was made" and "he may" insert the words "or has applied to be adjudicated, or has been adjudicated, a bankrupt or an insolvent".

In para 2 (c) iii of Form No. VIII between the words "recovery cannot otherwise be made" and "the entire unpaid balance" insert the words "or if the borrower applies to be adjudicated, or is adjudicated, a bankrupt or an insolvent".

The first sentence in Rule XIII and the para in the order Form as amended will read as follows :—

Rule XIII.—If at any time the Deputy Commissioner, or other officer granting the loan, is satisfied that any person who has received a loan has failed to perform any of the conditions on which it was made, or has applied to be adjudicated or has been adjudicated, a bankrupt or an insolvent, he may, after recording in writing the grounds of his decision, proceed to recover forthwith from such persons or any surety of such person any sums which

remain due, together with any interest payable thereon, and costs, as arrears of land revenue :

FORM No. VIII.

* * * * *

2 (c) (iii) If default in the payment of annual instalment on account of the loan occurs and recovery cannot otherwise be made, or if the borrower applies to be adjudicated, or is adjudicated, a bankrupt or an insolvent, the entire unpaid balance of the loan or such portion of it as the Deputy Commissioner may determine shall be deemed to become due at once and the whole of the land specified under condition (d) or such portion of it as the Deputy Commissioner may deem necessary shall be sold for the recovery of the amount with interest thereon and expenses of sale, if any.

By Order,

B. T. KESAVIENGAR,

Offg. *Chief Secretary to Government.*

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